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d/b/a Glidewell Laboratories
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 JAMES R. GLIDEWELL DENTAL
CERAMICS, INC. dba GLIDEWELL
14 LABORATORIES, a California
corporation,

15 Plaintiff,

16 vs.

17 KEATING DENTAL ARTS, INC., a
18 California corporation,

19 Defendant.

20
21 AND RELATED
22 COUNTERCLAIMS.
23

Case No. SACV11-01309-DOC (ANx)
Hon. David O. Carter, Ctrm. 9D

**DECLARATION OF DEBORAH S.
MALLGRAVE IN SUPPORT OF
PLAINTIFF JAMES R. GLIDEWELL
DENTAL CERAMICS, INC.'S EX
PARTE APPLICATION FOR
TESTIMONY IN OPEN COURT BY
CONTEMPORANEOUS
TRANSMISSION**

Pre-Trial Conf.: February 26, 2013
Jury Trial: February 26, 2013

1 I, Deborah S. Mallgrave, declare:

2 1. I am an attorney licensed to practice law in all courts in the State of
3 California. I am counsel in the law firm of Snell & Wilmer L.L.P., and one of the
4 attorneys of record for Plaintiff James R. Glidewell Dental Ceramics, Inc.
5 (“Glidewell”) in the above-entitled action. I have first-hand, personal knowledge of
6 the facts stated herein and, if called to testify, could and would competently testify
7 to these facts.

8 2. This declaration is submitted in support of Glidewell’s *Ex Parte*
9 Application for Testimony in Open Court by Contemporaneous Transmission.

10 3. Pursuant to Local Rule 7-19, on February 14, 2013, my colleague
11 Philip J. Graves, sent an e-mail to counsel for defendant Keating Dental Arts, Inc.
12 (“Keating”), Mr. James Azadian, notifying him that Glidewell intended to file this
13 *Ex Parte* Application for testimony in open court by contemporaneous
14 transmission.

15 4. On the afternoon of February 15, 2013, I discussed the grounds for
16 Glidewell’s *Ex Parte* Application with Mr. Azadian, along with another attorney in
17 my firm, Greer Shaw. During our conversation, Mr. Azadian indicated that Keating
18 would most likely object to Glidewell’s request, but Keating might reconsider
19 Glidewell’s request if Dr. Goldstein had a note from his doctor. Mr. Azadian sent
20 an e-mail later that day to myself (and others), confirming that Keating would
21 oppose Glidewell’s *Ex Parte* Application.

22 5. Subsequent to the phone conference with Mr. Azadian, Dr. Goldstein
23 requested a letter from his doctor concerning his medical condition. Dr.
24 Goldstein’s doctor was out of town, but did provide a letter today, February 21,
25 2013. Prior to filing this *Ex Parte* Application, I e-mailed a copy of the letter from
26 Dr. Goldstein’s doctor to Mr. Azadian. Mr. Azadian responded that Keating
27 maintained its objection to the presentation of testimony by Dr. Goldstein by
28 contemporaneous video transmission.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 21, 2013, at Costa Mesa, California.

s/Deborah S. Mallgrave
Deborah S. Mallgrave

Glidewell Laboratories v. Keating Dental Arts, Inc.
United States District Court, Central, Case No. SACV11-01309-DOC (ANx)

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2013, I electronically filed the document described as **DECLARATION OF DEBORAH S. MALLGRAVE IN SUPPORT OF PLAINTIFF JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S EX PARTE APPLICATION FOR TESTIMONY IN OPEN COURT BY CONTEMPORANEOUS TRANSMISSION** the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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Dated: February 21, 2013

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